

**SUPERIOR COURT OF ARIZONA  
YAVAPAI COUNTY  
JUDGMENT OF GUILT AND SENTENCE**

<b>FILED</b>	
DATE: <b>NOV 18 2011</b>	
<b>12:14</b> o'clock <b>P.</b> M.	
Sandra K Markham, Clerk	
BY: <u>Becky Hamilton</u>	
Deputy	

PTB      NOVEMBER 18, 2011  
Div.      Date

HON. WARREN R. DARROW  
Judge

BECKY HAMILTON  
Deputy Clerk

V1300CR201080049

STATE OF ARIZONA

VS

Yavapai County Attorney  
by: SHEILA POLK / BILL HUGHES

JAMES ARTHUR RAY  
AKA \_\_\_\_\_ [D-1]  
DOB 11/22/1957  
Victim Case YES

THOMAS KELLY  
LUIS LI / BRAD BRIAN / TRUC DO /  
MIRIAM SEIFTER  
Defense Counsel  
CHRISTY HARRINGTON  
Court Reporter

**START TIME: 9:06 a.m.**

**END TIME: 12:14 p.m.**

**SENTENCE OF IMPRISONMENT** [Judgment and Sentence]

- [ X ] The State has complied with the victims' rights laws.  
[ X ] The victim is present and has been given the opportunity to address the court/submit statements that have been reviewed by the Court.

**IT IS THE JUDGMENT** of the Court that the Defendant is guilty of crimes in V1300CR201080049.

The basis of the finding of guilt was by:

- [ X ] Trial to a jury.

**IT IS ORDERED:**

Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follow:

**OFFENSE: NEGLIGENT HOMICIDE (VICTIM: KIRBY BROWN)**

**FELONY CLASS: 4**

**A.R.S. §§: 13-1102, 13-701, 13-702**

**DATE OF OFFENSE: on or about OCTOBER 8, 2009**

**SENTENCE: 2 YEARS IMPRISONMENT IN THE ARIZONA DEPARTMENT OF CORRECTIONS.**

[ X ] MITIGATED      [ X ] NONDANGEROUS      [ X ] NONREPETITIVE

(X) County Atty (e)	(X) Def Atty. <u>Thomas Kelly (e) / Munger Tollett &amp; Oslong LLP (e)</u>
(X) VS (e)	( ) PD (e) (X) Other <u>Gallagher &amp; Kennedy, P.C. Counsel for Shore family (e)</u>
(X) APD (e)	(X) DOC (packet) (X) Other <u>Murphy, Schmitt, Hathaway &amp; Wilson, PLLC, Co-Counsel for the Brown Family (e)</u>
(X) YCSO (e)	(X) YCSO (cert) (X) Other <u>Stone &amp; Maganini, Co-Counsel for the Brown Family (e)</u>
(X) Financial Services (e)	(X) Other <u>Aspey Watkins &amp; Diesel, PLLC Counsel for the Neuman Family (e)</u>
(X) Court Administration	( ) Division _____ (X) Other <u>Steptoe &amp; Johnson, Counsel for KPNX Broadcasting Company, TM TV in Session (e)</u>
( ) Homeland Security (packet)	(X) Other <u>Perkins, Coie, Brown &amp; Bain, Counsel for KTVK TV (e)</u>
(X) Customer Service Supervisor	
(Dispo Screen Complete <input checked="" type="checkbox"/> )	<b>TOTAL</b> <u>4</u>

V1300CR201080049  
STATE V JAMES ARTHUR RAY  
SENTENCE OF IMPRISONMENT  
DATE: NOVEMBER 18, 2011

This sentence is to date from NOVEMBER 18, 2011. The Defendant is to be given credit for 24 days served prior to sentencing.

OFFENSE: **NEGLIGENT HOMICIDE (VICTIM: LIZBETH NEUMAN)**

FELONY CLASS: 4

A.R.S. §§: 13-1102, 13-701, 13-702

DATE OF OFFENSE: on or between OCTOBER 8, 2009 and October 17, 2009

SENTENCE: **2 YEARS IMPRISONMENT IN THE ARIZONA DEPARTMENT OF CORRECTIONS.**

☒ MITIGATED      ☒ NONDANGEROUS      ☒ NONREPETITIVE

This sentence is to date from NOVEMBER 18, 2011. The Defendant is to be given credit for 24 days served prior to sentencing.

OFFENSE: **NEGLIGENT HOMICIDE (VICTIM: JAMES SHORE)**

FELONY CLASS: 4

A.R.S. §§: 13-1102, 13-701, 13-702

DATE OF OFFENSE: on or about OCTOBER 8, 2009

SENTENCE: **2 YEARS IMPRISONMENT IN THE ARIZONA DEPARTMENT OF CORRECTIONS.**

☒ MITIGATED      ☒ NONDANGEROUS      ☒ NONREPETITIVE

This sentence is to date from NOVEMBER 18, 2011. The Defendant is to be given credit for 24 days served prior to sentencing.

**~ All sentences imposed herein shall run CONCURRENTLY, each with the others. ~**

**COMMUNITY SUPERVISION:** Pursuant to A.R.S. §13-603(I), Defendant shall serve a term of community supervision for the sentence imposed. The term of community supervision shall be served consecutively to the actual period of imprisonment.

Defendant shall pay the following financial obligations through the Clerk of the Superior Court in Yavapai County this date or as follows:

- ☒ **Restitution** in the amount of \$57,514.12, as itemized in the summary of victim losses dated November 16, 2011. Pursuant to A.R.S. §13-804(A) this amount shall be considered a fine to the extent necessary to effectuate the purpose of compensation to the victims listed.

To the extent permitted by law, the Court retains jurisdiction over restitution.

The Court **finds** recovery of the restitution amounts are not barred by the settlement agreements.

- ☒ **Fine** of \$20,000.00 plus surcharge of \$ 84 percent.

- ☒ **Probation Surcharge** of \$20.

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STATE V JAMES ARTHUR RAY  
SENTENCE OF IMPRISONMENT  
DATE: NOVEMBER 18, 2011

**If applicable, pursuant to A.R.S. § 12-116(A), a Time Payment fee of \$20 shall be assessed in addition to any Court Ordered Drug fines and fees, DUI fines and fees or Restitution if not paid in full this date.**

**If applicable, pursuant to A.R.S. §13-804F, restitution shall be joint and several, with any Co-Defendant(s) and shall be reduced by any amounts paid by the Co-Defendant(s).**

**If applicable, pursuant to A.R.S. §12-116.04, a penalty assessment of \$13 shall be levied.**

**IT IS ORDERED** a Judgment shall issue for fines and fees not paid in full this date, in accordance with Arizona Law.

Defendant is provided written Notice of Rights of Post-Conviction Relief. ☒ Notice of Right to Appeal.

☒ The Defendant is remanded to the custody of the Sheriff.

The Sheriff of Yavapai County is authorized to deliver Defendant to the custody of the Arizona Department of Corrections which is authorized to carry out the term of imprisonment set forth herein.

The Clerk of the Court shall remit a copy of this Order together with all presentence reports, probation violation reports, and medical and mental health reports if any, relating to Defendant to the Arizona Department of Corrections.

Thereafter off the record, **IT IS ORDERED** all un-admitted presentence hearing exhibits shall be released to the submitting parties.

V1300CR201080049  
STATE V JAMES ARTHUR RAY  
SENTENCING  
NOVEMBER 18, 2011

[X] Any Bond not previously forfeited or pending forfeiture proceedings is exonerated. [AE] ✓

Defendant's fingerprint is permanently affixed to this Sentencing Order in open Court.

Walter R. Odom  
JUDGE OF THE SUPERIOR COURT

Right Index Finger

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Fingerprint